

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALPHONSO LUNA,

Plaintiff,

vs.

TAJINDER SINGH, GKJ TRANS, INC.,
SHAH TRUCKLINE CORP., and ALLEN
LUND COMPANY, LLC,

Defendants.

8:22CV16

ORDER

On January 6, 2023, Plaintiff filed an unopposed motion to extend the unexpired case progression deadlines previously set in this case. ([Filing No. 52](#)).

On January 11, 2023, Defendant Allen Lund Company (“Lund”) filed a motion to stay discovery, including all initial disclosure obligations under Fed. R. Civ. P. 26, and all case progression deadlines previously ordered. ([Filing No. 53](#), See Filing Nos. 17 and 36). Lund’s deadline to file an answer or other responsive pleading to the amended complaint ([Filing No. 41](#)), is February 8, 2023. Lund asserts it intends to file a motion to dismiss and the motion could be dispositive of Plaintiff’s claims against Lund.

Lund states that it is not directly opposed to the pending motion to extend. However, if Lund’s motion to dismiss is denied, it will move to reopen deadlines, including the written discovery deadline, which had expired prior to Lund being added as a Defendant in this case. Accordingly, Lund requests a stay of all case progression deadlines pending a resolution of the anticipated motion. In support of its motion, Lund asserts it will be prejudiced if required to meet the existing case

progression deadlines while a motion to dismiss is pending. Lund's motion is unopposed.

IT IS ORDERED:

1. To avoid unnecessary discovery, and to promote the purposes of Rule 1 of the Federal Rules of Civil Procedure, all case progression, including initial disclosure deadlines under Fed. R. Civ. P. 26, are stayed pending a ruling on Lund's anticipated motion to dismiss. Lund's unopposed motion to stay discovery is granted. ([Filing No. 53](#)).
2. Plaintiff's motion to extend is denied as moot. ([Filing No. 52](#)).
3. The status conference set for January 24, 2023 at 9:00 a.m. is continued pending further order of the court.

Dated this 12th day of January, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge